

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO et al.,

Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

ORDER REGARDING DEFECTIVE PLEADING

The Court has received and reviewed the *Replica for the Global Objection of our Claim 14706* filed by Dalila Torres on behalf of Universal Care Corporation (Docket Entry No. 17041, the “Amended Pleading”). The Amended Pleading appears be an amended version of a prior filing, *Replica contra la Objección Global de la Reclamación 14706*, filed on May 21, 2021, by Ginnette M. Loperena Nigaglioni on behalf of Universal Care Corporation (Docket Entry No. 16807, the “Original Pleading”).

On May 21, 2021, Universal Care Corporation filed the Original Pleading. On May 26, 2021, this Court entered an order (i) striking the Original Pleading as defective, and (ii) granting Universal Care Corporation leave to file a corrected pleading. (Docket Entry No. 16809). On May 15, 2021, Universal Care Corporation filed the Amended Pleading.

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

The Amended Pleading is defective because it was not filed by counsel to Universal Care Corporation. Business entities may not appear in this proceeding without counsel, as they are not natural persons. Rowland v. California Men's Colony, 506 U.S. 194, 202-03 (1993) (explaining that corporations and other artificial entities can only appear in federal court through licensed counsel). Here, the Amended Pleading is signed by Dalila Torres within her capacity as treasurer of Universal Care Corporation. Ms. Dalila Torres does not identify herself as (i) counsel for Universal Care Corporation, nor (ii) duly licensed to practice before this Court. Thus, the Amended Pleading is defective because Universal Care Corporation, a business entity, may not appear in this proceeding without counsel.

Additionally, under 48 U.S.C. § 864, all pleadings and proceedings in the District Court for the District of Puerto Rico shall be conducted in English. Local Bankruptcy Rule 9070-1(c) further requires all exhibits and documentary evidence in Spanish (or any other language) be fully translated into the English language by a certified translator. The exhibits to the Amended Pleading have not been fully translated into the English language by a certified translator. Therefore, the Amended Pleading is also defective for a failure to comply with 48 U.S.C. § 846 and Local Bankruptcy Rule 9070-1(c).

Accordingly, the Amended Pleading is hereby stricken. Universal Care Corporation is granted leave to file a corrected pleading by **July 20, 2021 by 5:00 p.m. (Atlantic Standard Time)**. The Financial Oversight and Management Board for Puerto Rico shall file a reply (if any) by **July 27, 2021 by 5:00 p.m. (Atlantic Standard Time)**.

SO ORDERED.

Dated: June 17, 2021

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge